

NOT FOR PUBLICATION

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NOVA CORP.,

Plaintiff,

v.

OCEAN PACIFIC INTERIORS, INC.,

Defendant.

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Civ. No. 08-637 (FSH)
Hon. Faith S. Hochberg, U.S.D.J.

ORDER

Dated: September 4, 2008

HOCHBERG, District Judge:

This matter having come before the Court upon Plaintiff's Motion for Entry of an Order Enforcing Settlement Agreement and upon Defendant's Cross-Motion to Reinstate this Action; and

this Court having issued an Order on February 20, 2008, dismissing the action as settled as to all litigants without costs and without prejudice to the right, upon good cause shown within 60 days, to re-open the action if the settlement was not consummated; and

it appearing that the parties dispute whether a settlement was actually consummated; and

it appearing that Plaintiff's attorneys did not alert Defendants to the fact that Plaintiff's attorneys had notified the Court by letter that the parties had "reached a tentative settlement of this case" (Docket Entry #10); and

it appearing that Defendant filed a motion within 60 days, on April 7, 2008, to reopen this case; and

it appearing that discovery is needed to address the Motion to Enforce the Settlement Agreement, and

no party opposing engaging in such discovery; and

because discovery is needed, the motion is premature; and

for good cause having been shown,

IT IS on this 4th day of September, 2008,

ORDERED that the Motion to Reinstate this Action (Docket Entry #14) is **GRANTED**; and

IT IS FURTHER ORDERED that Defendant shall file its Answer no later than **September 26, 2008**; and

IT IS FURTHER ORDERED that the parties have leave to conduct expedited discovery on whether or not an enforceable agreement was reached to settle this case. The time period of discovery shall be shortened for this purpose to avoid undue delay if the case is restored to the active litigation docket. Documents shall be demanded no later than **September 8, 2008** and shall be produced by **September 15, 2008**; depositions, if any, shall commence on **September 16, 2008**; No extensions of time shall be sought and all parties shall make their witnesses available for depositions during the period set forth in this paragraph; All such discovery shall be completed no later than **October 6, 2008**; and

IT IS FURTHER ORDERED that Plaintiff's Motion for Entry of an Order Enforcing the Settlement Agreement (Docket Entry # 11) is administratively terminated; and

IT IS FURTHER ORDERED that there shall be an in-person conference before Magistrate Judge Shwartz on **October 21, 2008 at 2:30 p.m.** During the conference, the parties

shall be prepared to 1) discuss whether or not the parties intend to re-file the motion to enforce the settlement and 2) be fully prepared to participate in a Rule 16 scheduling conference on all aspects of the litigation.

/s/ **Faith S. Hochberg**
Hon. Faith S. Hochberg, U.S.D.J.